



Senate

General Assembly

File No. 678

January Session, 2009

Substitute Senate Bill No. 1157

Senate, April 16, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING FUNDING FOR LEGAL SERVICES AND JUDICIAL BRANCH TECHNOLOGY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-258 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 The jury fee in civil actions shall be [three hundred fifty] four
4 hundred dollars to be paid at the time the case is claimed for the jury
5 by the party at whose request the case is placed upon the jury docket.
6 The jury fee shall be taxed in favor of the party paying the jury fee in
7 the bill of costs in the action, if final judgment thereon is rendered in
8 [his] such party's favor.

9 Sec. 2. Section 52-259 of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective July 1, 2009*):

11 (a) There shall be paid to the clerks for entering each appeal or writ
12 of error to the Supreme Court, or entering each appeal to the Appellate

13 Court, as the case may be, two hundred fifty dollars, and for each civil
14 cause in the Superior Court, two hundred [twenty-five] sixty-five
15 dollars, except (1) one hundred [twenty] forty dollars for entering each
16 case in the Superior Court in which the sole claim for relief is damages
17 and the amount, legal interest or property in demand is less than two
18 thousand five hundred dollars and for summary process, landlord and
19 tenant and paternity actions, and (2) there shall be no entry fee for
20 making an application to the Superior Court for relief under section
21 46b-15 or for making an application to modify or extend an order
22 issued pursuant to section 46b-15. If the amount, legal interest or
23 property in demand by the plaintiff is alleged to be less than two
24 thousand five hundred dollars, a new entry fee of seventy-five dollars
25 shall be charged if the plaintiff amends his or her complaint to state
26 that such demand is not less than two thousand five hundred dollars.

27 (b) The fee for the entry of a small claims case shall be [thirty-five]
28 sixty dollars, except that whenever a plaintiff files for the entry of more
29 than twelve small claims cases in a calendar year, the fee for the entry
30 of each subsequent small claims case within the calendar year shall be
31 one hundred dollars. If a motion is filed to transfer a small claims case
32 to the regular docket, the moving party shall pay a fee of seventy-five
33 dollars.

34 (c) There shall be paid to the clerk of the Superior Court by any
35 party who requests that a matter be designated as a complex litigation
36 case the sum of two hundred [fifty] ninety dollars, to be paid at the
37 time the request is filed.

38 (d) There shall be paid to the clerk of the Superior Court by any
39 party who requests a finding of fact by a judge of such court to be used
40 on appeal the sum of twenty-five dollars, to be paid at the time the
41 request is filed.

42 (e) There shall be paid to the clerk of the Superior Court a fee of
43 seventy-five dollars for a petition for certification to the Supreme
44 Court and Appellate Court.

45 (f) [Such clerks shall also receive] There shall be paid to the clerk of
46 the Superior Court for receiving and filing an assessment of damages
47 by appraisers of land taken for public use or the appointment of a
48 commissioner of the Superior Court, two dollars; for recording the
49 commission and oath of a notary public or certifying under seal to the
50 official character of any magistrate, ten dollars; for certifying under
51 seal, two dollars; for exemplifying, twenty dollars; for making all
52 necessary records and certificates of naturalization, the fees allowed
53 under the provisions of the United States statutes for such services;
54 and for making copies, one dollar a page.

55 (g) There shall be paid to the clerk of the Superior Court for a copy
56 of a judgment file a fee of twenty-five dollars, inclusive of the fees for
57 certification and copying, for a certified copy and a fee of fifteen
58 dollars, inclusive of the fee for copying, for a copy which is not
59 certified; and for a copy of a certificate of judgment in a foreclosure
60 action, as provided by the rules of practice and procedure, twenty-five
61 dollars, inclusive of the fees for certification and copying.

62 (h) There shall be paid to the clerk of the [court] Superior Court a fee
63 of one hundred fifty dollars at the time any application for a
64 prejudgment remedy is filed.

65 (i) A fee of twenty dollars for any check issued to the court in
66 payment of any fee which is returned as uncollectible by the bank on
67 which it is drawn may be imposed.

68 (j) The tax imposed under chapter 219 shall not be imposed upon
69 any fee charged under the provisions of this section.

70 Sec. 3. Section 52-259c of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective July 1, 2009*):

72 (a) There shall be paid to the clerk of the Superior Court upon the
73 filing of any motion to open, set aside, modify or extend any civil
74 judgment rendered in Superior Court a fee of [thirty-five] sixty dollars
75 for any housing matter, a fee of twenty-five dollars for any small

76 claims matter and a fee of [seventy] eighty-five dollars for any other
77 matter, except no fee shall be paid upon the filing of any motion to
78 open, set aside, modify or extend judgments in juvenile matters or
79 orders issued pursuant to section 46b-15 or upon the filing of any
80 motion pursuant to subsection (b) of section 46b-63. Such fee may be
81 waived by the court.

82 (b) Upon the filing of a motion to open or reargue a judgment in any
83 civil appeal rendered by the Supreme Court or Appellate Court or to
84 reconsider any other civil matter decided in either court, the party
85 filing the motion shall pay a fee of [seventy] eighty-five dollars.

86 Sec. 4. Subdivisions (1) and (2) of subsection (a) of section 52-356a of
87 the general statutes are repealed and the following is substituted in
88 lieu thereof (*Effective July 1, 2009*):

89 (1) On application of a judgment creditor or [his] the judgment
90 creditor's attorney, stating that a judgment remains unsatisfied and the
91 amount due thereon, and subject to the expiration of any stay of
92 enforcement and expiration of any right of appeal, the clerk of the
93 court in which the money judgment was rendered shall issue an
94 execution pursuant to this section against the nonexempt personal
95 property of the judgment debtor other than debts due from a banking
96 institution or earnings. The application shall be accompanied by a fee
97 of [thirty-five] sixty dollars payable to the clerk of the court for the
98 administrative costs of complying with the provisions of this section
99 which fee may be recoverable by the judgment creditor as a taxable
100 cost of the action. In the case of a consumer judgment, the application
101 shall indicate whether, pursuant to an installment payment order
102 under subsection (b) of section 52-356d, the court has entered a stay of
103 execution and, if such a stay was entered, shall contain a statement of
104 the judgment creditor or [his] the judgment creditor's attorney as to the
105 debtor's default on payments. In the case of a judgment arising out of
106 services provided at a hospital, no application shall be made until the
107 court has (A) issued an order for installment payments in accordance
108 with section 52-356d, (B) made a finding that the debtor has defaulted

109 on payments under the order, and (C) lifted the mandatory stay issued
110 under section 52-356d. The court shall make a determination
111 concerning noncompliance or default, and decide whether to modify
112 the installment payment plan, continue the installment payment plan,
113 or lift the stay. The execution shall be directed to any levying officer.

114 (2) The property execution shall require a proper levying officer to
115 enforce the money judgment and shall state the names and last-known
116 addresses of the judgment creditor and judgment debtor, the court in
117 which and the date on which the money judgment was rendered, the
118 original amount of the money judgment and the amount due thereon,
119 and any information which the judgment creditor considers necessary
120 or appropriate to identify the judgment debtor. The property execution
121 shall notify any person served therewith that the judgment debtor's
122 nonexempt personal property is subject to levy, seizure and sale by the
123 levying officer pursuant to the execution and, if the judgment debtor is
124 a natural person, shall be accompanied by a notice of judgment debtor
125 rights as prescribed by section 52-361b and a notice to any third person
126 of the manner, as prescribed by subdivision (4) of this subsection, for
127 complying with the execution.

128 Sec. 5. Subsection (a) of section 52-361a of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective July*
130 *1, 2009*):

131 (a) If a judgment debtor fails to comply with an installment
132 payment order, the judgment creditor may apply to the court for a
133 wage execution. The application shall contain the judgment creditor's
134 or [his] the judgment creditor's attorney's statement setting forth the
135 particulars of the installment payment order and of the judgment
136 debtor's failure to comply. The application shall be accompanied by a
137 fee of [thirty-five] sixty dollars payable to the clerk of the court for the
138 administrative costs of complying with the provisions of this section
139 which fee may be recoverable by the judgment creditor as a taxable
140 cost of the action.

141 Sec. 6. Subsection (b) of section 52-367a of the general statutes is

142 repealed and the following is substituted in lieu thereof (*Effective July*
143 *1, 2009*):

144 (b) Execution may be granted pursuant to this section against any
145 debts due from any financial institution to a judgment debtor which is
146 not a natural person. If execution is desired against any such debt, the
147 plaintiff requesting the execution shall make application to the clerk of
148 the court. The application shall be accompanied by a fee of [thirty-five]
149 sixty dollars payable to the clerk of the court for the administrative
150 costs of complying with the provisions of this section which fee may be
151 recoverable by the judgment creditor as a taxable cost of the action.
152 The clerk shall issue such execution containing a direction that the
153 officer serving such execution shall make demand (1) upon the main
154 office of any financial institution having its main office within the
155 county of the serving officer, or (2) if such main office is not within the
156 serving officer's county and such financial institution has one or more
157 branch offices within such county, upon an employee of such a branch
158 office, such employee and branch office having been designated by the
159 financial institution in accordance with regulations adopted by the
160 Banking Commissioner, in accordance with chapter 54, for the
161 payment of any debt due to the judgment debtor, and, after having
162 made such demand, shall serve a true and attested copy thereof, with
163 the serving officer's actions thereon endorsed, with the financial
164 institution officer upon whom such demand is made. The serving
165 officer shall not serve more than one financial institution execution per
166 judgment debtor at a time, including copies thereof. After service of an
167 execution on one financial institution, the serving officer shall not
168 serve the same execution or a copy thereof upon another financial
169 institution until receiving confirmation from the preceding financial
170 institution that the judgment debtor had insufficient funds at the
171 preceding financial institution available for collection to satisfy the
172 execution. If the serving officer does not receive within twenty-five
173 days of the service of the demand a response from the financial
174 institution that was served indicating whether or not the taxpayer has
175 funds at the financial institution available for collection, the serving
176 officer may assume that sufficient funds are not available for collection

177 and may proceed to serve another financial institution in accordance
178 with this subsection.

179 Sec. 7. Subsection (b) of section 52-367b of the general statutes is
180 repealed and the following is substituted in lieu thereof (*Effective July*
181 *1, 2009*):

182 (b) If execution is desired against any such debt, the plaintiff
183 requesting the execution shall make application to the clerk of the
184 court. The application shall be accompanied by a fee of [thirty-five]
185 sixty dollars payable to the clerk of the court for the administrative
186 costs of complying with the provisions of this section which fee may be
187 recoverable by the judgment creditor as a taxable cost of the action. In
188 a IV-D case, the request for execution shall be accompanied by an
189 affidavit signed by the serving officer attesting to an overdue support
190 amount of five hundred dollars or more which accrued after the entry
191 of an initial family support judgment. If the papers are in order, the
192 clerk shall issue such execution containing a direction that the officer
193 serving such execution shall, within seven days from the receipt by the
194 serving officer of such execution, make demand (1) upon the main
195 office of any financial institution having its main office within the
196 county of the serving officer, or (2) if such main office is not within the
197 serving officer's county and such financial institution has one or more
198 branch offices within such county, upon an employee of such a branch
199 office, such employee and branch office having been designated by the
200 financial institution in accordance with regulations adopted by the
201 Banking Commissioner, in accordance with chapter 54, for payment of
202 any such nonexempt debt due to the judgment debtor and, after
203 having made such demand, shall serve a true and attested copy of the
204 execution, together with the affidavit and exemption claim form
205 prescribed by subsection (k) of this section, with the serving officer's
206 actions endorsed thereon, with the financial institution officer upon
207 whom such demand is made. The serving officer shall not serve more
208 than one financial institution execution per judgment debtor at a time,
209 including copies thereof. After service of an execution on one financial
210 institution, the serving officer shall not serve the same execution or a

211 copy thereof upon another financial institution until receiving
212 confirmation from the preceding financial institution that the judgment
213 debtor had insufficient funds at the preceding financial institution
214 available for collection to satisfy the execution, provided any such
215 additional service is made not later than forty-five days from the
216 receipt by the serving officer of such execution.

217 Sec. 8. Section 51-81b of the general statutes is repealed and the
218 following is substituted in lieu thereof (*Effective October 1, 2009*):

219 (a) Any person who has been admitted as an attorney by the judges
220 of the Superior Court shall annually on or before January fifteenth file
221 an annual return prescribed or furnished by the Commissioner of
222 Revenue Services. If any such person was engaged in the practice of
223 law in the year preceding the year in which an occupational tax is due
224 [hereunder] under this section, such person, unless exempted under
225 this section, shall annually on or before January fifteenth pay to the
226 Commissioner of Revenue Services a tax in the amount of [four
227 hundred fifty] six hundred dollars. Any person who has been admitted
228 as an attorney pro hac vice by a judge of the Superior, Appellate or
229 Supreme Court in accordance with the rules of said court shall file
230 such return and pay such tax as provided in this subsection with
231 respect to any year in which such person was admitted pro hac vice
232 and engaged in the practice of law in this state. Not later than July 1,
233 2010, and annually thereafter, the State Treasurer shall transfer to the
234 organization administering the program for the use of interest earned
235 on lawyers' clients' funds account pursuant to section 51-81c, for the
236 purposes of funding the delivery of legal services to the poor, an
237 aggregate amount that represents (1) the entire amount of tax paid by
238 an employee of the state, any political subdivision of the state or any
239 probate court, and (2) one hundred fifty dollars of the tax paid by any
240 other person pursuant to this section. For the purposes of this section,
241 an employee of the state includes, but is not limited to, a judge of the
242 Superior, Appellate or Supreme Court, a judge of probate, the
243 Attorney General or any attorney employed in the office of the
244 Attorney General, the Chief State's Attorney or any attorney employed

245 in the office of the Chief State's Attorney, the Chief Public Defender or
246 any attorney employed by the Public Defender Services Division, and
247 any other attorney engaged in the practice of law while acting as an
248 employee of the state.

249 (b) Upon failure of any such person to pay the sum due [hereunder]
250 under this section within thirty days of the due date, the provisions of
251 section 12-35 shall apply with respect to the enforcement of this section
252 and the collection of such sum. The warrant [therein] provided for in
253 section 12-35 shall be signed by the commissioner or [his] the
254 commissioner's authorized agent. The amount of any such tax, penalty
255 and interest shall be a lien, from the thirty-first day of December next
256 preceding the due date of such tax until discharged by payment,
257 against all real estate of the taxpayer within the state, and a certificate
258 of such lien signed by the commissioner may be filed for record in the
259 office of the clerk of any town in which such real estate is situated,
260 provided no such lien shall be effective as against any bona fide
261 purchaser or qualified encumbrancer of any interest in any such
262 property. When any tax with respect to which a lien has been recorded
263 under the provisions of this section has been satisfied, the
264 commissioner, upon request of any interested party, shall issue a
265 certificate discharging such lien, which certificate shall be recorded in
266 the same office in which the lien was recorded. Any action for the
267 foreclosure of such lien shall be brought by the Attorney General in the
268 name of the state in the superior court for the judicial district in which
269 the property subject to such lien is situated, or, if such property is
270 located in two or more judicial districts, in the superior court for any
271 one such judicial district, and the court may limit the time for
272 redemption or order the sale of such property or make such other or
273 further decree as it judges equitable.

274 (c) The Commissioner of Revenue Services shall notify the Chief
275 Court Administrator of the failure of any person to comply with the
276 provisions of this section and the Chief Court Administrator shall
277 notify the judges of the Superior Court of such failure.

278 (d) If any person fails to pay the amount of tax reported to be due
279 on such person's return within the time specified under the provisions
280 of this section, there shall be imposed a penalty of fifty dollars, which
281 penalty shall be payable to, and recoverable by, the commissioner in
282 the same manner as the tax imposed under this section. Subject to the
283 provisions of section 12-3a, the commissioner may waive all or part of
284 the penalties provided under this section when it is proven to [his] the
285 commissioner's satisfaction that the failure to pay any tax was due to
286 reasonable cause and was not intentional or due to neglect.

287 (e) If any tax is not paid when due as provided in this section, there
288 shall be added to the amount of the tax interest at the rate of one per
289 cent per month or fraction thereof from the date the tax became due
290 until it is paid.

291 (f) If the commissioner is satisfied beyond a reasonable doubt that
292 the failure to file a return or to pay the tax was due to reasonable cause
293 and was not intentional or due to neglect, [he] the commissioner may
294 abate or remit the whole or any part of any penalty under this section.

295 (g) This section shall not apply (1) to any attorney whose name has
296 been removed from the roll of attorneys maintained by the clerk of the
297 superior court for the judicial district of Hartford, or (2) to any attorney
298 who has retired from the practice of law, provided the attorney shall
299 file written notice of retirement with the clerk of the superior court for
300 the judicial district of Hartford, or to any attorney who does not
301 engage in the practice of law as an occupation and receives less than
302 [four hundred fifty] six hundred dollars in legal fees or other
303 compensation for services involving the practice of law during any
304 calendar year, or (3) with respect to the tax due in any calendar year, to
305 any attorney serving on active duty with the armed forces of the
306 United States for more than six months in such year.

307 [(h) No person shall be liable for payment of the occupational tax
308 under this section solely by virtue of such person having engaged in
309 the practice of law while acting as an employee of the state, any
310 political subdivision of the state or any probate court.]

311 [(i)] (h) The provisions of sections 12-548 to 12-554, inclusive, and
 312 section 12-555a shall apply to the provisions of this section in the same
 313 manner and with the same force and effect as if the language of said
 314 sections 12-548 to 12-554, inclusive, and section 12-555a had been
 315 incorporated in full into this section and had expressly referred to the
 316 tax under this section, except to the extent that any such provision is
 317 inconsistent with a provision of this section.

318 Sec. 9. (NEW) (*Effective July 1, 2009*) The Chief Court Administrator,
 319 or a designee, on or before the thirtieth day of January, April, July and
 320 October in each year, shall (1) certify the amount of revenue obtained
 321 as a result of any fee increase that takes effect July 1, 2009, set forth in
 322 section 52-258, 52-259, 52-259c, 52-356a, 52-361a, 52-367a or 52-367b of
 323 the general statutes, each as amended by this act, and (2) transfer one-
 324 half of such amount to the organization administering the program for
 325 the use of interest earned on lawyers' clients' funds account pursuant
 326 to section 51-81c of the general statutes, for the purposes of funding
 327 the delivery of legal services to the poor, and shall retain the other half
 328 of such amount for the purpose of funding technology projects within
 329 the Judicial Branch.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	52-258
Sec. 2	<i>July 1, 2009</i>	52-259
Sec. 3	<i>July 1, 2009</i>	52-259c
Sec. 4	<i>July 1, 2009</i>	52-356a(a)(1) and (2)
Sec. 5	<i>July 1, 2009</i>	52-361a(a)
Sec. 6	<i>July 1, 2009</i>	52-367a(b)
Sec. 7	<i>July 1, 2009</i>	52-367b(b)
Sec. 8	<i>October 1, 2009</i>	51-81b
Sec. 9	<i>July 1, 2009</i>	New section

Statement of Legislative Commissioners:

Section 8 was rewritten for proper form and consistency.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	\$3.85 million	\$3.85 million
Department of Revenue Services	GF - Cost	\$50,000	None
Treasurer	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill generates revenue by: (1) increasing several court fees; (2) increasing, from \$450 to \$600, the annual attorney occupational tax; and (3) eliminating certain governmental employees' exemptions to the attorney occupational tax. The bill allocates these additional revenues to support civil legal aid for the indigent and Judicial Department technological initiatives. (See the table below for estimated amounts.)

Revenue Generation / Allocation per sSB 1157

	Annual Revenue Gain	Revenue Allocation	
Attorney Occupational Tax			
- Increase from \$450 to \$600	\$ 1,955,250		
- Expansion to include govt attys	\$ 640,800		
- Total	\$ 2,596,050	\$ 2,596,050	Legal Aid
Court Fee increases	\$ 7,703,878	\$ 3,851,939	Legal Aid: 50% of court fees
		\$ 6,447,989	Legal Aid total
		\$ 3,851,939	Judicial Dpt Tech: 50% of court fees
Total	\$ 10,299,928	\$ 10,299,928	

In accordance with the bill, the State Treasurer and Chief Court Administrator must transmit revenues collected to the organization administering the Interest on Lawyers' Trust Accounts (IOLTA)

program¹ to provide indigent persons with civil legal aid. No additional resources would be required to administer funds in accordance with these provisions. The Judicial Department retains, in accordance with the bill, 50% of the revenues generated through the court fee increases for purposes of funding technology projects.

There is a one time administrative cost to the Department of Revenue Services of about \$50,000 for form changes and for additional computer programming.

The Out Years

The annualized ongoing fiscal impact identified above would remain constant into the future since fee and tax amounts are set by statute.

Sources: *Department of Revenue Services Annual Report*
Judicial Department's Quarterly Criminal / Motor Vehicle Revenue Reports

¹ The Connecticut Bar Foundation administers the program.

OLR Bill Analysis**sSB 1157*****AN ACT CONCERNING FUNDING FOR LEGAL SERVICES AND JUDICIAL BRANCH TECHNOLOGY.*****SUMMARY:**

This bill increases the annual occupational tax licensed attorneys must pay from \$450 to \$600. The bill eliminates the exemption in current law for attorneys who engaged in the practice of law only while acting as an employee of the state, any political subdivision of the state, or any probate court. It exempts attorneys who do not engage in the practice of law as an occupation and receive less than \$600 instead of less than \$400, in legal fees or other compensation for services involving the practice of law during a calendar year.

Annually, beginning July 1, 2010, the bill requires the state treasurer to transfer certain amounts to the organization administering the IOLTA (interest on lawyers' trust accounts) program (see BACKGROUND). The treasurer must transfer (1) the entire amount paid by attorneys who have solely engaged in the practice of law as an employee of the state, a political subdivision of the state, or probate court and (2) \$150 of the amount paid by every other attorney.

The bill increases certain court filing fees. It requires the chief court administrator, or a designee, quarterly, by the 30th of January, April, July, and October to (1) certify the amount of revenue obtained as a result of the fee increases, (2) transfer one-half of such amount to the organization administering the IOLTA program, and (3) retain the other half to fund Judicial Branch technology projects.

EFFECTIVE DATE: October 1, 2009, except the fee increases take effect July 1, 2009.

STATE EMPLOYEE

The bill specifies that a state employee includes a judge of the Superior, Appellate or Supreme Court, a judge of probate; the attorney general or any attorney employed in the attorney general's office; the chief state's attorney or any attorney employed in the Chief State's Attorney's office; the chief public defender or any attorney employed by the Public Defender Services Division; and any other attorney engaged in the practice of law while acting as a state employee.

INCREASED FILING FEES

The bill increases the following court fees:

1. the jury fee in civil actions, from \$350 to \$400;
2. the filing fee for bringing a case in the Superior Court, from (a) \$225 to \$265, and (b) from \$120 to \$140, for a case in which the sole claim for relief is damages of up to \$2,500 and for summary process, landlord and tenant, and paternity actions;
3. entry fee for small claims court, from \$35 to \$60, except that for plaintiffs who file more than 12 small claims cases in a calendar year, the entry fee for each subsequent small claims case within the calendar year is \$100;
4. designation of a case as a complex litigation, case from \$250 to \$290;
5. application for a prejudgment remedy, from \$100 to \$150;
6. a motion to open, set aside, modify, or extend any Superior Court civil judgment, from \$35 to \$60 for any housing matter and from \$70 to \$85 for any other manner(small claims cases stay at \$25);
7. filing a motion to open or reargue a judgment in any civil appeal rendered by the Supreme Court or Appellate Court or to reconsider any other civil matter decided in either, court from \$70 to \$85; and

8. application by a judgment creditor for (a) an execution against the personal property of a judgment debtor or the debt due from a financial institution or (b) a wage execution against a judgment debtor who fails to comply with an installment payment order, from \$35 to \$60.

BACKGROUND

IOLTA

Under this program, lawyers pool their clients' fund accounts and use the interest to assist in providing legal services to the poor and scholarships for poor law students. Clients' funds that are less than \$10,000 in amount, or expected to be held for less than 60 business days, must be deposited by participating lawyers, law firms, and entities in interest-bearing accounts specifically established pursuant to the program. The law requires that each entity, other than a borrower, having an account established to receive loan proceeds from a mortgage lender, may participate in the program (CGS § 51-81b).

The law authorizes the Superior Court judges to choose an administrator for the program.

Related Bill

SB 1160, which was reported favorably by the Judiciary Committee, alters the rules for participating in IOLTA.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (03/27/2009)